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\*Admitted only in Maryland \*Admitted only in Virginia •Practice Limited to Federal Agencies

January 4, 2005

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Appl. No. 10/821,128; Filed: April 9, 2004

or: Method

Methods of Synthesizing and Labeling Nucleic Acid Molecules

Inventors:

LEE et al.

Our Ref:

0942.5690001/RWE/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b);
- 2. List of cited references on Form PTO-1449 (14 sheets); and
- 3. Copies of references AL1-AP1, AR1-AT1, AL2-AP2, AR2-AT2, AL3-AP3 and AR3-AT14 listed on Form PTO-1449 (57 documents); and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 ; www.skgf.com

Commissioner for Patents January 4, 2005 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

RWE/JKM:bac Enclosures



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Lee et al.

Appl. No.: 10/821,128

Filed: April 9, 2004

Methods of Synthesizing and

Labeling Nucleic Acid Molecules

Confirmation No.: 8246

Art Unit:

1653

Examiner:

To Be Assigned

Atty. Docket: 0942.5690001/RWE/JKM

## Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. In accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are not submitted. Copies of documents AL1 to AP3 and AR1 to AT14 are provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed within before the mailing of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Date: Jan. 4,2005

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	AA1	4,03	38,480	07/26/1977	Robins et al.	ļ		09/17/1973	
		- 4.00		05/00/4070	<u> </u>				
	AB1	4,08	88,639	05/09/1978	Zappelli et al.			06/12/1975	
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	AC1	4,21	13,893	07/22/1980	Carrico et al.			10/12/1978	
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	AD1	4,25	55,566	03/10/1981	Carrico et al.			02/19/1980	
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	AE1	4,44	13,594	04/17/1984	Bückmann			09/08/1981	
	AF1	4 46	20 772	07/17/1984	Benovic et al.			05/44/4000	
	AFI	4,40	50,772	07/17/1904	benovic et al.			05/11/1983	
	1001	4 50	32,789	04/45/4006	Sheldon, III et al.	<del></del>		40/40/4004	
	AG1	4,50	02,709	04/15/1986	Sheldon, III et al.			12/18/1984	
	AH1	4.50	99,303	07/08/1986	Yabusaki <i>et al</i> .			40/40/4000	
	АПІ	4,58	99,303	07/08/1986	rabusaki <i>et ai</i> .			12/12/1983	
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	AL1	wo	92/06188 A2	04/16/1992	WIPO			No	
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	AM1	wo	92/06200 A1	04/16/1992	WIPO			No	
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	AN1	EP (	329 822 B1	06/08/1994	Europe			No	
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		ł						Yes	
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	AR	1	Amino Spe	cific Reporter	zation of Oligonucleotides Groups," in: <i>Methods in M</i> es," Agrawal, S., ed., Hun	lolecular B	iology, Vol. 26, F	Protocols for	
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	AB2	4,711,9	955	12/08/1987	Ward et al.			05/23/1983
	AC2	4,737,4	154	04/12/1988	Dattagupta et al.			05/18/1984
	AD2	4,743,	535	05/10/1988	Carrico			11/07/1984
· · ·	AE2	4,770,9	992	09/13/1988	Van den Engh <i>et al.</i>			11/27/1985
	AF2	4,828,9	979	05/09/1989	Klevan et al.			11/08/1984
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	AM2	2 wc	98/08981 A1	03/05/1998	WIPO			Yes No
	AN2	wc	98/47912 A1	10/29/1998	WIPO			Yes No
	AO2	. wc	98/51699 A1	11/19/1998	WIPO			Yes No
	AP2	wc	99/15702 A1	04/01/1999	WIPO			Yes No
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	AC3	5,512	,462	04/30/1996	Cheng			02/25/1994
	AD3	5,668	,005	09/16/1997	Kotewicz et al.			03/12/1996
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	AF3	6,015	,668	01/18/2000	Hughes et al.			09/06/1996
	AG3	6,063	,608	05/16/2000	Kotewicz et al.			02/10/1997
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	AJ3	2002/	0090618 A1	07/11/2002	Smith et al.			05/01/2001
	AK3	2003/	0003452 A1	01/02/2003	Potter et al.			03/15/2001
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	AL3		00/52191 A1	09/08/2000	WIPO			Yes No
	AM3	woo	01/092500 A1	12/06/2001	WIPO			Yes No
	AN3	woo	)1/68895 A1	09/20/2001	WIPO			Yes No
	AO3		)2/04022 A1	01/17/2002	WIPO			Yes No
	AP3	EP 0	684 315 B1	06/26/2002	WIPO			Yes No
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	Lee et al.	
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	ATTY. DOCKET NO. 0942.5690001/RWE/J-M	APPLICATION NO. 10/821,128	
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		Page 7 of 14
	ATTY. DOCKET NO. 0942.5690001/RWE/J-M	APPLICATION NO. 10/821,128
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		Page 8 of 14	-
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	AL							Yes No
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			OTHER (I	ncluding Auth	or, Title, Date, Pertinent F	Pages, etc.		
	AR	9	Biology, an	nd Clinical Uses	n, G.L., "Fluorescent Nucleos of Nucleoside Analogs, Bl pp.43-58 (1975)			
	AS	9			nucleotide Derivatives Bea ridine," <i>Bioconj. Chem. 4</i> :3			
	АТ	9		., <i>et al</i> ., "The Is I, MIT (1978)	solation of Structural Genes	s from Libra	ries of Eucary	otic DNA," Cell
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	ATTY. DOCKET NO. 0942.5690001/RWE/J-M	APPLICATION NO. 10/821,128	•
FORM PTO-1449	FIRST NAMED INVENTOR		•
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·	AR	<u>10</u>		Escherichia col	usual Bacterial Reverse Tr i," <i>Biochem. Biophys. Res.</i>			
	AS	10	Molecular	Biology, Vol. 2	ration of Modified Bases in 6, Protocols for Oligonucle NJ, pp. 73-91 (1994)			
_	AT	10	Mules, E.H Intermedia (1998)	H., <i>et al.</i> , "In Viv lates with Untidy	vo Ty1 Reverse Transcripti Ends," <i>J. Virol. 72</i> :6490-6	on Can Gen 503, Americ	erate Replicat an Society for	ion Microbiology
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	ATTY. DOCKET NO. 0942.5690001/RWE/J-M	APPLICATION NO. 10/821,128
FORM PTO-1449	FIRST NAMED INVENTOR	
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	AR	11			P., "High-Efficiency Cloning liety for Microbiology (1982)		gth cDNA," <i>Mo</i>	lec. Cell. Biol.
	AS	11	Linker Gro		les and Nucleotides. 121. S osition of Sugar Residues,"			
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	AS	12		nerase," <i>Scienc</i>	-Directed Enzymatic Amplif ce 239:487-491, American A			
	AT	12	Molecular (		"Protocol for the Synthesis pratory Manual, Cold Spring (1989)			
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	ATTY. DOCKET NO. 0942.5690001/RWE/J-M	APPLICATION NO. 10/821,128
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	AR	13	Terskikh, A.V., et al., "Analysis of DsRed Mutants," <i>J. Biol. Chem.</i> 277:7633-7636, American Society for Biochemistry and Molecular Biology, Inc. (March 2002)					
	AS	<u>13</u>	Verkhusha, V.V., et al., "An Enhanced Mutant of Red Fluorescent Protein DsRed for Double Labeling and Developmental Timer of Neural Fiber Bundle Formation," <i>J. Biol. Chem.</i> 276:29621-29624, American Society for Biochemistry and Molecular Biology, Inc. (2001)					
	АТ	13	Viscidi, R.P., <i>et al.</i> , "Novel Chemical Method for the Preparation of Nucleic Acids for Nonisotopic Hybridization," <i>J. Clin. Microbiol.</i> 23:311-317, American Society for Microbiology (1986)					
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ATTY. DOCKET NO. 0942.5690001/RWE/J-M	APPLICATION NO. 10/821,128	
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			Yamana, k	Yamana, K., et al., "Incorporation of Two Anthraquinonylmethyl Groups into the 2'-O-						
	AR	14	Positions of	of Oligonucleot	ides: Increased Affir	nity and S	equence	Specificity of A	Anthraquinone-	
				Modified Oligonucleotides in Hybrid Formation with DNA and RNA," <i>Bioconj. Chem.</i> 7:715-						
		720, American Chemical Society (1996)								
			Zofall, M. and Bartholomew, B., "Two novel dATP analogs for DNA photoaffinity labeling,"							
	100	1							ity labeling,"	
	AS	14	Nucl. Acids	Nucl. Acids Res. 28:4382-4390, Oxford University Press (2000)						
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	AT	14		Copy of Co-Pending United States Patent Application No. 09/677,574, Yang et al., filed October 3, 2000 (NOT PUBLISHED)						
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